

# Foreword

Ensuring the availability of controlled substances for medical and scientific purposes is an overarching objective of the Single Convention on Narcotic Drugs of 1961 as amended and the Convention on Psychotropic Substances of 1971. The availability of and access to internationally controlled substances for medical and scientific purposes, however, remains inequitable, with widely disparate levels of licit consumption of narcotic drugs and psychotropic substances seen both within and between regions. Achieving balance in this area is an element of both the right to health and Sustainable Development Goal 3 on health and well-being. It is for this reason that the Board is issuing a special supplement to this, its annual report for 2022, entitled *No Patient Left Behind: Progress in Ensuring Adequate Access to Internationally Controlled Substances for Medical and Scientific Purposes*. The supplement builds upon the five supplementary reports issued by INCB from 1989 to 2018 and reviews the current situation based on information reported to INCB by both Member States and civil society. It also ties in with the initiative of the Chair of the sixty-fifth session of the Commission on Narcotic Drugs to scale up the implementation of international drug policy commitments on improving the availability of and access to controlled substances for medical and scientific purposes.

The 2022 supplement confirms the persistent disparities in the consumption of opioid analgesics for the treatment of pain and in the consumption of psychotropic substances for the treatment of various mental health and neurological conditions. It identifies critical obstacles to ensuring adequate availability and makes a set of recommendations in a broad range of areas, including training of health professionals, awareness-raising, knowledge retention, administrative and budgetary measures, legislation and regulation, and utilization of technological advances. For example, we encourage major producing countries to consider lowering the prices of medicines for low- and middle-income countries and to provide low- and middle-income countries with the option of purchasing affordable morphine instead of more expensive synthetic opioid analgesics. Governments are also encouraged to apply specific measures aimed at improving access to medicines containing narcotic drugs and psychotropic substances during emergencies, including conflicts, pandemics and climate-related disasters. We will be continuing to support Governments in their efforts to improve the availability of these important medicines and remain in close contact with national authorities during emergency situations to ensure the uninterrupted trade in important medicines containing controlled substances.

Each year, the first chapter of our annual report focuses on a specific issue as a contribution to drug policy discussions at the national and international levels. Chapter I of this report contains the Board's analysis of the trend of legalizing the use of cannabis. This is particularly relevant as in recent years a growing number of States have adopted policies that permit the use of cannabis for non-medical and non-scientific purposes.

Chapter I describes the current challenges for States and society, summarizes developments relating to the use and control of cannabis, and outlines the different models that have been used to justify the non-medical use of cannabis. We have analysed the various policy approaches from the legal perspective of the drug control conventions and noted that approaches such as decriminalization and depenalization can be considered to be consistent with the conventions as long as certain conditions are met. Contained in the conventions is the principle of proportionality, which provides for alternatives to punishment for certain offences. In contrast, the legalization of the non-medical and non-scientific supply and use of cannabis contravenes the provisions of the conventions.

INCB came to several conclusions, including that the convention-based system offers significant flexibility for States to protect young people, improve public health, avoid unnecessary incarceration and address illicit markets and related organized criminality. The value of establishing better education, prevention and treatment programmes, and fighting organized crime through effective social prevention and law enforcement are central to this approach. It is observed that legalization has not been able to dissuade young people from using cannabis, and illicit markets persist and in some cases even flourish.

Legalizing jurisdictions have not been able to achieve the goals they had pursued through legalization of cannabis for recreational purposes. Of particular concern is the marketing and sale of cannabis-based products in a way that appeals to young people, as well as the declining perceptions of harms associated with cannabis despite the high potency of cannabis products available in the market and related health concerns.

The trend of legalizing the non-medical use of cannabis represents a significant challenge for the States parties to the drug control conventions. INCB remains committed to fulfilling its mandate to aid Governments in implementing the conventions and remains in dialogue with States to further the implementation of the conventions in order to achieve the objectives of safeguarding the health and well-being of humankind.

Chapter II of the report reviews the functioning of the international drug control system, which relies upon accurate and timely reporting by Governments to the Board. In this regard, it is important that Governments strengthen their mechanisms for monitoring the cultivation, production and trade in controlled substances. Governments are urged to improve the collection of data on drug use patterns, which is particularly critical in Africa and Oceania, where there is a clear lack of data on drug use in many countries. INCB is encouraging donor States to include support to this end as an element of bilateral assistance.

The report also draws attention to the emergence of highly potent synthetic non-fentanyl opioids, which are linked to an increasing number of overdose deaths, exacerbating the opioid overdose crisis that has been associated mainly with use of illicitly manufactured fentanyl. INCB is supporting Member States in addressing this problem through the activities of its Global Rapid Interdiction of Dangerous Substances (GRIDS) Programme, including the support provided by the network of regional technical officers and tools such as the Project Ion Incident Communication System (IONICS), which facilitates the exchange of real-time information between national authorities. We are also building the capacity of Governments to engage with the private sector to prevent the exploitation of legitimate industry, including Internet-based and express logistics and postal services, for the trafficking of dangerous synthetic opioids.

Governments are encouraged to intensify efforts to address the proliferation of non-scheduled designer precursor chemicals used in illicit drug manufacture through the voluntary sharing of information on planned exports, using the resources and tools made available by the Board for Member States, and through implementation of the recommendations contained in our report for 2022 on implementation of article 12 of the 1988 Convention. INCB has been raising awareness of the importance of improving implementation of article 13 of the 1988 Convention as a complementary tool for addressing illicit manufacture. Governments are invited to make use of the guidance materials and tools developed by the Board to prevent and investigate cases of diversion and trafficking of equipment and materials used in drug trafficking.

The Board is particularly concerned about the surge in illicit cocaine production and trafficking. As a global issue in the report, the Board presents its analysis of recent developments that have led to the increased availability of cocaine at higher levels of purity, which poses a growing threat to public health. INCB encourages Governments to address this challenge in a coordinated manner at the international level by targeting each element of the supply chain and disrupting the related illicit financial flows. INCB is continuing to support Member States in addressing this problem, in particular by preventing trafficking in the precursor chemicals used in the illicit manufacture of cocaine.

INCB remains concerned and alarmed by the ongoing large-scale opium poppy cultivation and opium production in Afghanistan despite the ban announced by the *de facto* authorities. There is an urgent need to improve prevention and treatment in the country for all people who use drugs, in particular women, and we call upon the international community to continue to support drug control efforts in Afghanistan to protect public health. This must be seen as an important component of development

assistance to the country, where political and socioeconomic challenges have been further compounded by environmental and humanitarian emergencies.

Addressed as a global issue in the report, the need to ensure that national legislation, policies and practices do not discriminate against people who use drugs has been emphasized. In the recommendations, States are encouraged to develop policies that are evidence-based, developed with the input and participation of people who use drugs, and are culturally appropriate, accessible and adapted to cultural and socioeconomic realities.

The issue of mental health is also emphasized. INCB reminds Governments of the need to ensure that people living with mental health conditions are provided with access to adequate treatment and medication to alleviate suffering and enable full participation in society without stigma and discrimination. The importance of including mental health treatment and support in national health systems and ensuring continued accessibility of such services, including during emergencies, is stressed in order to take a holistic approach to the problem.

The responsibilities of transit countries in the licit trade of internationally controlled substances have been examined, and Governments are reminded of their obligations under the drug control conventions and the resolutions of the General Assembly, the Economic and Social Council and the Commission on Narcotic Drugs to ensure the safe and secure trade of substances in transit and the need to put in place mechanisms to prevent diversion in transit.

Chapter IV of the report sets out the Board's conclusions and recommendations to Governments, the United Nations and other international, regional and national organizations. We encourage civil society organizations also to take those conclusions and recommendations into account when planning their work.

INCB remains committed to supporting Governments in the full implementation of the three drug control conventions, including through implementation of its recommendations, and progress towards achieving the Sustainable Development Goals, in particular Goal 3 on health and well-being and Goal 16 on peace, justice and strong institutions. To this end, INCB remains in close dialogue with Member States and supports Governments through initiatives such as INCB Learning, the GRIDS Programme and various INCB systems that facilitate the exchange of information among countries and territories. As the international community moves to accelerate progress on the 2030 Agenda following the coronavirus disease (COVID-19) pandemic and ongoing humanitarian emergencies, full implementation of the drug control conventions is key to efforts to safeguard the health and well-being of humankind.



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